

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31541 of 2019

Arising Out of PS. Case No.-481 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Vishnu Kumar Sah, Son of Ram Dayal Sah, Resident of Village- Asgaranpur,
P.S.- Sarai, District- Vaishali, at present Mohalla- Khoriberi Aamtalla, 24
Pargana, P.S.- Bihsunpur, District- Kolkata (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Indu Devi, Wife of Vishnu Kumar Sah, Daughter of Ram Pravesh Sah, At
Present Resident of Mohalla- Lakridhari, Chandwara, Anand bag Colony,
P.S.- Town, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 481 of 2017, disclosing

offences under Sections 498A of the Indian Penal Code and

Section 4 of Dowry Prohibition Act.

Allegation against the petitioner is that on demand of

Rs.1,00,000/- subjecting his wife to cruelty and she was ousted

her from the house along with the children.

Submission of learned counsel for the petitioner is

that the whole allegation is false and concocted and he is still

ready to keep her with dignity and care.

On the other hand, opposite party no.2 has appeared



and submitted that a maintenance case has been filed by the opposite party no.2, in which Rs.5000/- per month maintenance was allowed in favour of the opposite party no.2, but she has not been paid that amount. However, she has submitted that she is still ready to live with the petitioner, if she is allowed to live with dignity and care.

Having heard both sides, in view of the facts and circumstances, as stated above, let the petitioner, above named, appear before the learned court below on 09.08.2019 and at that time he will pay Rs.10,000/- to the opposite party no.2 and on that day the opposite party no.2 shall also remain present in the Court. Further, on filing of an affidavit by the petitioner that he is ready to keep her with dignity and care and to take her from the Court itself, the provisional bail granted by this Court, vide order dated 15.05.2019 shall be extended for a period of six months. During that period, the learned court below shall watch the conduct of both the parties and further directs that both the parties shall appear in the second week of each month before the learned court below. Once the court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the court below shall be confirmed the bail bonds of the petitioner, otherwise he is free to



pass any other order or orders.

Since a submission is made that order granting maintenance in an ex-parte order, it is open to the petitioner to challenge the order of maintenance passed in favour of the opposite party no.2 before a court of competent jurisdiction.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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